



Docket No.: C1037.70045US00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Arthur M. Krieg  
Serial No.: 10/613,228  
Confirmation No.: 4680  
Filed: July 3, 2003  
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING IMMUNE  
RESPONSES  
Examiner: N. M. Minnfield  
Art Unit: 1645

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 21, 2007

Michelle M. Quinn

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Species Election Requirement, Applicant hereby elects lung cancer as a species of cancer as recited in claim 94. Of the rejoined method claims, this election embraces at least claims 45, 52, 53, 54, 57, 63, 70-73, 76-80, 83, 84, 88, 89, 94, 95 and 97.

Applicant's election is made without traverse provided that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to the non-elected species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Applicant questions the Examiner's assertion that claims 5, 13 and 15 are withdrawn. These claims were initially withdrawn as directed to a non-elected species. The Examiner states that these claims are withdrawn "because they do not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141." (Office Action, page 2). Respectfully, the allowable generic linking claim is claim 1 and nothing in that claim excludes the scope of withdrawn claims 5, 13 and 15. Applicant is entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as required by 37 CFR 1.141. Claims 5, 13 and 15 meet this requirement, and accordingly, Applicant requests consideration and rejoinder of these withdrawn claims.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: June 21, 2007

Respectfully submitted,

By 

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